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2009 OCT 29 AM 9:18

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

BY

1 RICHARD K. GUSTAFSON Bar # 193914  
 2 LEGAL HELPERS, P.C.  
 3 233 S. Wacker Dr., Suite 5150  
 Chicago, IL 60606  
 4 Tel: 866-339-1156  
 Fax: 312-822-1064  
 Email: rkg@legalhelpers.com  
 5 Attorney for Plaintiffs

6 **UNITED STATES DISTRICT COURT**  
 7 **CENTRAL DISTRICT OF CALIFORNIA**  
 8 **WESTERN DIVISION**

9 *Unit 1700*  
 10 *Defendant*

11 Vanessa Jackson

Case No.:

CV09-7886 RGK (JEMx)

and

Lillian Stewart

Plaintiffs,

v.

Patenaude &amp; Felix, P.C.

Defendant.

13 **COMPLAINT FOR DAMAGES**  
 14 **UNDER THE FAIR DEBT**  
 15 **COLLECTION PRACTICES ACT,**  
 16 **ROSENTHAL FAIR DEBT**  
 17 **COLLECTION PRACTICES ACT,**  
 18 **INVASION OF PRIVACY, AND OTHER**  
 19 **EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN****JURISDICTION AND VENUE**

21 1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices  
 22 Act (FDCPA), 15 U.S.C. §1692 and under the doctrine of Supplemental Jurisdiction pursuant  
 23 to 28 U.S.C. §1337(a). Venue is proper because a substantial part of the events giving rise to  
 24 this claim occurred in this judicial district.

**FACTS COMMON TO ALL COUNTS**

27 2. Plaintiff Vanessa Jackson is a "consumer" as defined by 15 U.S.C. §1692a(3).  
 28 3. Vanessa incurred a "debt" as defined by 15 U.S.C. §1692a(5).

- 1 4. Plaintiff Lillian Stewart ("Lillian") is Vanessa's mother.
- 2 5. At the time of the communications referenced herein, Defendant either owned the debt or
- 3 was retained by the owner to collect the debt.
- 4 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).
- 5 7. Plaintiffs filed this claim within the timeframe permitted under the FDCPA.
- 6 8. On or around May 26, 2009, Defendant telephoned Lillian.
- 7 9. During this communication, Defendant disclosed to Lillian the existence, nature, and/or
- 8 amount of the debt to Lillian.
- 9 10. During this communication, Defendant falsely represented to Lillian that Lillian was
- 11 responsible for the debt.
- 12 11. During this communication, Defendant threatened to place a lien on Lillian's home if Lillian
- 13 did not pay the debt.
- 14 12. On or around May 26, 2009, Vanessa telephoned Defendant.
- 15 13. During this communication, Defendant falsely represented to Vanessa that Lillian was a
- 16 cosigner on the debt.
- 17 14. During this communication, Defendant falsely represented that Defendant could continue
- 18 contacting with Lillian and that Vanessa could do nothing about it.
- 19 15. At the time of these communications, Defendant had neither the intent nor the ability to place
- 20 a lien on Lillian's home.
- 21 16. Defendant damaged Plaintiffs emotionally and mentally and caused Plaintiffs substantial
- 22 anxiety and stress.
- 23 17. Defendant violated the FDCPA.
- 24
- 25
- 26
- 27
- 28

**COUNT ONE**

## Violation of the Fair Debt Collection Practices Act

18. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.
19. Defendant violated 15 U.S.C. §1692c in that it communicated with a third party and failed to comply with 15 U.S.C. §1692b.

## **COUNT TWO**

## Violation of the Fair Debt Collection Practices Act

20. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.
21. Defendant violated 15 U.S.C. §1692c in that it communicated with a third party and disclosed that Vanessa owed the debt.

### **COUNT THREE**

## Violation of the Fair Debt Collection Practices Act

22. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.
23. Defendant violated 15 U.S.C. §1692e in that it falsely represented the character, amount, and/or legal status of the debt.

## COUNT FOUR

## Violation of the Fair Debt Collection Practices Act

24. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.
25. Defendant violated 15 U.S.C. §1692e in that it threatened action that could not legally be taken and/or that was not intended to be taken.

## COUNT FIVE

## Violation of the Fair Debt Collection Practices Act

26. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.

1 27. Defendant violated 15 U.S.C. §1692e by making misrepresentations during its  
2 communications with Plaintiffs.

3 **COUNT SIX**  
4

5 **Violation of the Fair Debt Collection Practices Act**

6 28. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.  
7 29. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or  
8 unconscionable means to collect the debt.

9 **COUNT SEVEN**  
10

11 **Violation of the Rosenthal Fair Debt Collection Practices Act**

12 30. Plaintiffs incorporate each of the preceding allegations as if specifically stated herein.  
13 31. In communicating with members of Vanessa's family for purposes other than obtaining  
14 location information, Defendant violated California Civil Code §§ 1788.12(b).

15 **COUNT EIGHT**  
16

17 **Invasion of Privacy by Public Disclosure of a Private Fact**

18 32. Plaintiffs incorporates each of the preceding allegations as if specifically stated herein.  
19 33. Defendant released information which was private to Vanessa and concerned Vanessa's  
20 private life to Lillian.  
21 34. Defendant's disclosure of Vanessa's debt and the threat of legal action to this person is  
22 highly offensive.  
23 35. The information disclosed is not of legitimate concern to the public.

24 **JURY DEMAND**  
25

26 36. Plaintiffs demand a trial by jury.  
27  
28

## PRAYER FOR RELIEF

37. Plaintiffs pray for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. Judgment against Defendant for actual damages pursuant to California Civil Code § 1788.30(a), statutory damages for a knowing or willful violation in an amount up to \$1,000 pursuant to California Civil Code § 1788.30(b); and reasonable attorneys' fees and costs pursuant to California Civil Code § 1788.30(c).
- c. Judgment, in an amount to be determined at trial, against Defendant for the Public Disclosure of a Private Fact.
- d. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: Richard K. Gustafson (Bar # 193914)  
Richard K. Gustafson (Bar # 193914)  
233 S. Wacker Dr., Suite 5050  
Chicago, IL 60606  
Tel: 866-339-1156  
Fax: 312-822-1064  
Email: [rkg@legalhelpers.com](mailto:rkg@legalhelpers.com)  
*Attorney for Plaintiffs*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

**CV09- 7886 RGK (JEMx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Vanessa Jackson and Lillian Stewart  v.  Patenaude & Felix, P.C.	PLAINTIFF(S)  DEFENDANT(S).	CASE NUMBER  <b>CV09-7886 RGK (JEMx)</b>
		SUMMONS

TO: DEFENDANT(S): Patenaude & Felix, P.C.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Richard K. Gustafson II, whose address is 233 S. Wacker Dr., Suite 5150 Chicago, IL 60606. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

29 OCT 2009

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**SHEA BOURGEOIS**  
Deputy Clerk  
**SEAL**  
(Seal of the Court)

*[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]*

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<p>(a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> ) Vanessa Jackson and Lillian Stewart</p>	<p>DEFENDANTS Patenaude &amp; Felix, P.C.</p>				
<p>(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles</p>	<p>County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):</p>				
<p>(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Legal Helpers, P.C. 233 S. Wacker Dr., Ste 5150 Chicago, IL 60606 866-339-1156</p>	<p>Attorneys (If Known)</p>				
<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p>					
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<p>PTF DEF PTF DEF</p>			
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<p>Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4</p>			
		<p>Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5</p>			
		<p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6</p>			
<p>IV. ORIGIN (Place an X in one box only.)</p>					
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<p>V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)</p>					
<p>CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			<p><input checked="" type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$ <u>20,000.00</u></p>		
<p>VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 USC 1692 Violations of the Fair Debt Collection Practices Act</p>					
<p>VII. NATURE OF SUIT (Place an X in one box only.)</p>					
<p>OTHER STATUTES</p> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<p>CONTRACT</p> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>TORTS</p> <p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>BANKRUPTCY</p> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>FORFEITURE / PENALTY</p> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g))
<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>
<p>VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>					
<p>If yes, list case number(s):</p>					
<p>FOR OFFICE USE ONLY: Case Number: _____</p>					

CV09-7886

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

 Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

 Check here if the U.S. government, its agencies or employees is a named defendant.

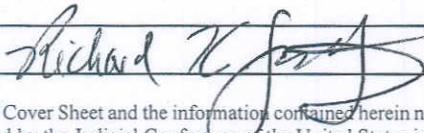
San Diego

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

## X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_



Date

10/19/09

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))